

1 **Rule 3-402. Human resources administration.**

2 **Intent:**

3 To establish guidelines for the administration of a human resources system for the judiciary.

4 **Applicability:**

5 This rule shall apply to all state employees in the judicial branch.

6 **Statement of the Rule:**

7 (1) A department of human resources is established within the Administrative Office to direct  
8 and coordinate the human resources activities of the judiciary.

9 (2) The department of human resources shall provide the necessary human resources  
10 services to the judiciary in compliance with the state constitution, state statute, and this  
11 Code. The department of human resources shall keep all state employees in the judicial  
12 branch informed of benefits, compensation, retirement, and other human resources  
13 related matters.

14 (3) The human resources policies and procedures for non-judicial employees:

15 (3)(A) shall include classification of exempt and non-exempt positions, guidelines  
16 governing recruitment, selection, classification, compensation, working  
17 conditions, grievances and other areas deemed necessary; and

18 (3)(B) shall be based upon the following merit principles:

19 (3)(B)(i) the recruitment, selection and promotion of employees ~~is~~-based upon  
20 relative ability, knowledge and skills, including open consideration of  
21 qualified applicants for initial appointment;

22 (3)(B)(ii) a salary schedule which provides for equitable and adequate  
23 compensation based upon studies conducted every three years of the  
24 salary levels of comparable positions in both the public and private  
25 sector and available funds;

26 (3)(B)(iii) employee retention on the basis of adequate performance—where  
27 appropriate, provision will be made for correcting inadequate  
28 performance and separating employees whose inadequate  
29 performance cannot be corrected;

30 (3)(B)(iv) fair treatment in all aspects of human resources administration without  
31 regard to race, color, religion, sex, national origin, age, creed,

32 disability, political affiliation or other non-merit factors and proper  
 33 regard for employees' constitutional and statutory rights as citizens;  
 34 and

35 (3)(B)(v) notification to employees and an explanation of their political rights  
 36 and prohibited employment practices.

37 (4) The state court level administrator shall be responsible for the day-to-day administration of  
 38 the human resources system within that court level. A director of human resources,  
 39 appointed by the State Court Administrator, shall be responsible for directing and  
 40 coordinating the human resources activities of the human resources system and will assist  
 41 the state level administrators and court executives with human resources related matters.

42 (5) Human resources policies and procedures and a Code of Ethics for non-judicial  
 43 employees shall be adopted by the Council in accordance with the rulemaking provisions  
 44 of this Code and shall be reviewed every three years.

45 (5)(A) There is established a human resources policy and procedure review committee  
 46 responsible for making and reviewing proposals for repealing human resources  
 47 policies and procedures and promulgating new and amended human resources  
 48 policies and procedures. The committee shall consist of the following voting  
 49 members, which, where indicated, must be selected by majority vote of the entire  
 50 body of the specified group:

51 (5)(A)(i) the director of human resources;

52 (5)(A)(ii) two trial court executives, selected by the trial court executives;

53 ~~(5)(A)(iii) a district court clerk of court;~~

54 ~~(5)(A)(iv)(5)(A)(iii)~~ a juvenile court clerk of court; three clerks of court (one  
 55 juvenile, one district, and one appellate), selected by the clerks of  
 56 court;

57 ~~(5)(A)(v)(5)(A)(iv)~~ a probation supervisor/chief probation officer from the  
 58 juvenile court, selected by the chief probation officers; and

59 ~~(5)(A)(vi)(5)(A)(v)~~ an assistant clerk of court from the district court or circuit  
 60 court a case manager, selected by the clerks of court.

61 (5)(B) The chair of the committee shall be designated by the ~~director in consultation~~  
 62 ~~with the~~ state court administrator. Other members of the committee shall be  
 63 appointed in a manner consistent with Rule 1-205. The department of human  
 64 resources shall provide necessary support to the committee. Other non-voting

65 members may be assigned by the Policy and Planning Committee, as necessary  
66 to assist the committee.

67 (5)(C) Pursuant to Rule 1-204, New and amended policies and procedures, or repeals,  
68 recommended by the committee shall be reviewed by the court executives by the  
69 Policy and Planning Committee prior to being submitted by the Policy and  
70 Planning Committee to the Judicial Council. ~~The Court Executives may endorse~~  
71 ~~or amend the draft policies and procedures or return the draft policies and~~  
72 ~~procedures to the committee for further consideration.~~

73 (6) A grievance review panel is established within the grievance process to sit as a quasi-  
74 judicial body and review any action taken under the authority of the judiciary's human  
75 resources procedures and which pertains to employee promotions, dismissals, demotions,  
76 wages, salary, violations of human resources rules, benefits, reductions in force and  
77 disciplinary actions.

78 (7) An official human resources file for each employee shall be maintained in the  
79 Administrative Office and shall include the following records: leave records, education  
80 records, biographical information, performance plans and appraisals, records of official  
81 human resources action, records of official disciplinary action and supporting  
82 documentation, letters of commendation, job applications and payroll and benefits  
83 information.

84 *Effective September 1, 2019*